

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 14, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ASHLEY M.,¹

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

No. 4:20-CV-5013-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On October 13, 2020, the parties filed a Stipulated Motion for Remand. ECF No. 17. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings before an administrative law judge (ALJ) for a de novo hearing and a new decision as to Plaintiff Ashley M.'s application for social security payments under Title II and XVI of the Social Security Act. As part of this de novo hearing on remand, the ALJ is to update the medical records,

¹ To protect the privacy of the social-security Plaintiff, the Court refers to her by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

1 consider the persuasiveness of the medical and psychological opinion evidence
2 under 20 C.F.R. § 404.1520(c), reevaluate whether Plaintiff's mental impairments
3 meet or equal a listing, reevaluate the materiality of alcohol and drug abuse, and,
4 as necessary, obtain medical expert evidence and supplemental vocational expert
5 testimony to clarify the effects of any assessed limitations on Plaintiff's ability to
6 perform work in the national economy. The parties also agree that Plaintiff is
7 entitled to reasonable attorney fees and costs under the Equal Access to Justice
8 Act, 28 U.S.C. § 2412(d), upon proper request to the Court.
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10 Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

- 11 1. The parties' Stipulated Motion for Remand, **ECF No. 17**, is
12 **GRANTED.**
- 13 2. Judgment shall be entered for **Plaintiff.**
- 14 3. This matter is **REVERSED** and **REMANDED** to the Commissioner
15 of Social Security for further administrative proceedings pursuant to
16 sentence four of 42 U.S.C. § 405(g). On remand, the ALJ is to conduct
17 a de novo hearing, including updating the medical records,
18 considering the persuasiveness of the medical and psychological
19 opinion evidence under 20 C.F.R. § 404.1520(c), reevaluating whether
20 Plaintiff's mental impairments meet or equal a listing, reevaluating
21 the materiality of alcohol and drug abuse, and as necessary, obtain
22 medical expert evidence and supplemental vocational expert
23 testimony to clarify the effects of any assessed limitations on
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1 Plaintiff's ability to perform work in the national economy, and then
2 issue a new decision as to Plaintiff's application.

3 4. All pending motions are **DENIED AS MOOT**.

4 5. All hearings and other deadlines are **STRICKEN**.

5 6. If filed, the Court will consider Plaintiff's motion for fees and
6 expenses under the Equal Access to Justice Act.

7 7. The Clerk's Office is directed to **CLOSE** this file.

8 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
9 and provide copies to all counsel.

10 **DATED** this 14th day of October 2020.

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13 s/Edward F. Shea
14 EDWARD F. SHEA
15 Senior United States District Judge
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